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Question of the Falkland Islands (Malvinas)

Letter dated 3 January 2009 from the Deputy Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the text of a press release issued today by the Government of the Argentine Republic on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland (see annex).

I should be grateful if you would arrange for this note and its annex to be circulated as a document of the General Assembly under agenda item 23.

(*Signed*) Diego **Limeres**
Minister
Deputy Permanent Representative

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Annex to the letter dated 3 January 2009 from the Deputy Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Press release

Buenos Aires
3 January 2009

On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities legitimately established there. The Argentine Republic immediately protested, and has never consented to that act of force.

Today, 176 years after that illegal occupation, which is still continuing, the Argentine Government reaffirms once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime and island areas, as an integral part of Argentine national territory.

The permanent and unrenounceable objective of recovering the full exercise of sovereignty over those territories and maritime areas in accordance with the principles of international law while respecting the way of life of the inhabitants of the Malvinas Islands is enshrined in the national Constitution. This objective is a State policy and reflects the collective desire of the people of the Argentine nation.

Argentina has reached provisional bilateral understandings with the United Kingdom, under the safeguarding of sovereignty formula, with a view to achieving cooperation on practical aspects in order to help create a climate favourable to the resumption of negotiations aimed at settling the dispute.

However, it has not been possible to achieve this objective because the United Kingdom continues to refuse to address the question of sovereignty and has repeatedly taken unilateral actions with regard to the area in dispute which not only violate the spirit and the letter of those understandings but are also contrary to the call by the United Nations to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the relevant resolutions.

As a result of those unilateral acts, the Argentine Government denounced the Joint Statement on hydrocarbons in March 2007 and the South Atlantic Fisheries Commission has not met again since December 2005.

More recently, the Government of the United Kingdom carried out another unilateral act whereby it claims to have adopted a new "constitution" for the Malvinas Islands; this is a new expression of disregard for the resolutions on the question of the Malvinas Islands duly adopted by the General Assembly and the Special Committee on Decolonization of the United Nations and another violation of the spirit of the above-mentioned understandings agreed under the safeguarding of sovereignty formula. The Government of Argentina delivered a strong protest against this new unilateral British action on 6 November 2008.

The Argentine Government believes that Argentina and the United Kingdom should jointly analyse all the bilateral understandings in the light of their ultimate goal, which is to contribute to a climate conducive to the resumption of negotiations on sovereignty. As long as the United Kingdom remains reluctant to do that, Argentina will feel compelled to carry out that analysis without the participation of its counterpart.

The Argentine Republic considers the British refusal to address the fundamental question in order to find a just, peaceful and lasting solution to the dispute over sovereignty, in accordance with the mandate of the international community, to be unjustified, and reiterates, once again, its continued willingness to resume the process of bilateral negotiations with the United Kingdom in order to find a definitive solution to the sovereignty dispute and settle this anachronistic colonial situation that is incompatible with developments in today's world.